HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO. 25361 OF 2004

Dated 26-09-2005

Between:

A. Vasu, son of A. Sriramulu, aged 33 years, working as Casual Mazdoor Under H.G. Draughtsman, Office of the General Manager, Telecom District (BSNL) Chittoor Telecom Dt. Tirupathi.

…….Petitioner.

And :

1. Union of India, represented by its Secretary, Ministryi of Communications (Now Known as Bharath Sanchar Nigam Ltd., In short B.S.N.L., Department of Telecommunications, New Delhi-110 001 and others.

…….Respondents.

ORDER : (Per the Honourable Smt. Justice T. Meena Kumari)

This writ petition has been filed against the order passed in O.A. No. 876 of 2003, on 16-03-2004 by the A.P. Administrative Tribunal, Hyderabad.

The writ petitioner is the applicant. The parties will be referred to as arrayed before the Tribunal for the sake of convenience.

Originally, the applicant filed an application in O.A. No. 876 of 2003 seeking declaration that the action of the respondents in not conferring temporary status and consequent regularization to him as illegal and seeking a direction to the respondents to confer temporary status upon him from the date it was due i.e., after the 1st 240 days of service is completed. The Tribunal having observed that the applicant cannot file a fresh

O.A. on the basis of a new document which could not be possible for him to place before the Tribunal at the time of filing or hearing of the earlier O.A. and moreover, there is nothing in the letter dated 29-7-2002 of the Chief General Manager, Telecom, Hyderabad to show that he was working for 8 hours per day during the period from September, 1996 to December, 1998, dismissed the O.A. Aggrieved by the same, the applicant preferred this writ petition.

Heard both sides. We have perused the material available on record.

The order impugned goes to show that since the letter dated 29.7.2002 was not available with the applicant, he could not produce it before the Tribunal at the time of hearing earlier O.A.1928 of 2000. It is also further case of the applicant that he has been converted into full time casual labourer and was also granted temporary status thereafter. The respondents have not filed any counter reply.

In view of the fact that no counter has been filed by the respondents by putforthing all the material before the tribunal, without expressing any opinion on the merits of the case, We feel it appropriate to set aside the order of the tribunal and remand the matter to the tribunal for fresh consideration. Meanwhile, the respondents are directed to file their counter before the tribunal within a period of four (4) months from today.

Accordingly, this writ petition is allowed. No costs.

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Justice T. MEENA KUMARI

Date: 26th September, 2005

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Justice P. LAKSHMANA REDDY

Dvs/Gurc

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE JUSTICE P. LAKSHMANA REDDY

(Order delivered by the Honourable

Smt. Justice T.Meena Kumari)

Dated 26-09-2005